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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/567,343 | 12/05/2006 | Naoki Hashiguchi | 285637US3PCT | 5327 |
| 22850 7590 02/04/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | | |
| EXAMINER | | | | |
| MARCELO, EMMANUEL MONSAYAC | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3654 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 02/04/2010 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/567,343

Applicant(s)

HASHIGUCHI, NAOKI

Examiner

Emmanuel M Marcelo

Art Unit

3654

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2-8, 13, 14, 16-19, 22 and 24-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11, 12, 15, 20, 21 and 23 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I (Figures 1-5) in the reply filed on October 29, 2009 is acknowledged.

Applicant points out that claims 1, 9-15 and 20-23 read on the elected Species I. However, it appears that claims 13, 14 and 22 do not read on Species I.

In claim 13, the recitation "...said stationary element mounting portion extends radially outwardly from said stationary frame member cylindrical portion" is not shown in any of the figures 1-5.

In claim 14, the recitation "...said stationary element mounting portion being disposed radially inwardly of said stationary frame member cylindrical portion" is not shown in any of the figures 1-5.

In claim 22, the recitation "... a brake frame of said brake unit is made an integral portion continuous to said stationary frame member" is not shown in any of the figures 1-5. It appears that this describes figure 15.

Therefore, the only claims readable on Species I (figures 1-5) are 1, 9-12, 15, 20, 21 and 23.

Claims 2-8, 13, 14, 16-19, 22 and 24-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected non-elected, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 29, 2009.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 11, 15 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 10, the recitation “said stationary frame”, in line 3, lacks positive antecedent basis in the claims.

With respect to claim 11, the recitation “said outer circumferential portion”, in lines 5-6, lacks positive antecedent basis in the claims.

With respect to claim 15, the recitation “said rotary member”, in line 5, lacks positive antecedent basis in the claims.

With respect to claim 23, the recitation “direction of assembly of said brake unit into said stationary frame member” is repeated in lines 2 and 3. Therefore, it is not understood what is meant. Also, what is meant by “direction of assembly”?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 11, 12, 15, 20, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 1630120 to Hashiguchi.

With respect to claim 1, Hashiguchi, in figures 3 and 8-11 for example, teaches a stationary frame member 16; a main shaft 2; a stationary element 8 disposed to the stationary frame member; a rotary frame member (4, 5, 6) supported on the main shaft and extending in a radial direction in axial opposition to the stationary frame member; a rotary element 7 disposed to the rotary frame member in opposition to the stationary member; a brake unit 10 including a brake portion 10b extending through an opening 16b in the stationary frame member, the braking portion being radially guided by the opening; and a rope sheave 4 disposed to the rotary frame member for rotation therewith.

With respect to claims 11, 12 and 15, Hashiguchi teaches a stationary element mounting portion 16a; an annular member having an L-shaped cross section; an annular plate portion 15; a cylindrical portion 16a; and a rotary element mounting portion 6a.

With respect to claims 20, 21 and 23, Hashiguchi teaches the brake unit 10 is disposed within the axial dimensions of the stationary element mounting portion (15, 16) and is in direct opposition to the rotary frame member (4, 5, 6).

Allowable Subject Matter

Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel M Marcelo whose telephone number is 571-272-6949. The examiner can normally be reached on Monday - Thursday (9:30 a.m. to 6:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Emmanuel M Marcelo/
Primary Examiner
Art Unit 3654

/emm/